

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Hiroshi SANO et al.

Application No.: 09/971,020

Filed: October 5, 2001

For: THEOBROMINE SYNTHASE
POLYPEPTIDE OF COFFEE PLANT
AND THE GENE ENCODING SAID
POLYPEPTIDE

Group Art Unit: 1638

Examiner: Ashwin D. Mehta

Confirmation No.: 3752

RECEIVED

JAN 28 2003

TECH CENTER 1600/2900

REPLY AND AMENDMENT
TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a Reply and Amendment for the above-identified patent application.

- ☒ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and a check for ☐ \$55.00 (248) ☐ \$110.00 (148) to cover the requisite Government fee are also enclosed.
- ☒ Also enclosed is Claim for Convention Priority and Sworn Translation of Japanese Patent Application 2000-307,149
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$370.00 (279) ☐ \$740.00 (179) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) previously submitted __, on __, for which continued examination is requested.
- ☐ Applicant(s) request suspension of action by the Office until at least __, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.

- ☐ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

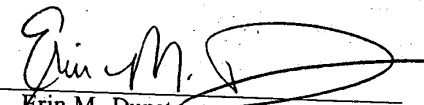
| AMENDED CLAIMS | | | | | |
|------------------------------------------------------------------------|---------------|-------------------------------------------|--------------|-------------------|-------------|
| | NO. OF CLAIMS | HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR | EXTRA CLAIMS | RATE | ADD'T'L FEE |
| Total Claims | | MINUS = | | × \$18.00 (103) = | |
| Independent Claims | | MINUS = | | × \$84.00 (102) = | |
| If Amendment adds multiple dependent claims, add \$280.00 (104) | | | | | |
| Total Amendment Fee | | | | | |
| If small entity status is claimed, subtract 50% of Total Amendment Fee | | | | | |
| TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT | | | | | |

☐ A claim fee in the amount of \$_____ is enclosed.

☐ Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Erin M. Dunston
Registration No. 51,147

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: January 24, 2003